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FACSIMILE COVER SHEET

TO: USPTO

FROM: Joseph E. Chovanes, Esq.

DATE: 6/5/2007

RE: Serial NO. 10/633,232

Total number of pages, including this sheet: 17

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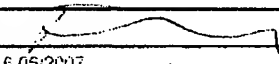
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PTO:SB/21 (03-03)

Approved for use through 04/30/2003. OMB 0651-0031
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10-633,732	
	Filing Date	August 2, 2003	
	First Named Inventor	Boldt, Matthias	
	Art Unit	1614	
	Examiner Name	Betten, Timothy E	
Total Number of Pages in This Submission	17	Attorney Docket Number	62-03

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC)
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<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below).
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Response: Listing of Claims, Notice of Non Compliance
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Also enclosed PTO 2038: Fax Cover Page	
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual	JOSEPH E. CHOVANES	
Signature		
Date	6/05/2007	

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date 06/05/2007	
Typed or printed	JOSEPH E. CHOVANES
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Date	06/05/2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 11/24/06 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☒ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Stephanie Boyce
Legal Instruments Examiner (LIE)

(571) 272-4334
Telephone No.

Rev. 6/04

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 05 2007

Serial No.: 10/633,232

Filed: August 2, 2003

For: NUTRIENT COMPOSITIONS AND
METHODS FOR SUSTENANCE AND
PROMOTION OF POSITIVE METABOLIC
ENERGY LEVELS IN A TARGETED
MANNER

Art Unit: 1614

Examiner: Betton, Timothy E.

Atty Dkt.: 62-03

Certificate of FACSIMILE
TRANSMISSION

DATE OF DEPOSIT: 06/03/07

I HEREBY CERTIFY THAT THIS PAPER IS
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ON THE DATE INDICATED ABOVE AND IS
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COMMISSIONER OF PATENTS, P.O. Box
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Alexandria, VA 22313.

Joseph Chovanes

MAIL STOP AMENDMENT

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

COVER SHEET WITH CLAIMS LISTING

This claims listing, along with various remarks concerning the Examiner's Restriction Requirement in this case is being provided in response to the Notice of Non Complaint Amendment, dated 12/6/06, having a one month shortened period for response. This amendment is being filed within the six month statutory deadline for response and a five month extension of time request is enclosed as well. A separate claims listing is also enclosed.

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